

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN**

ROCKWELL AUTOMATION, INC. and
ROCKWELL AUTOMATION
TECHNOLOGIES, INC.

Plaintiffs,

v.

WAGO CORPORATION and WAGO
KONTAKTTECHNIK GMBH & CO. KG

Defendants.

Case No. 3:10CV718-WMC

DECLARATION OF GILBERTO E. ESPINOZA

1. I am one of the attorneys representing Defendants WAGO Corporation and WAGO Kontakttechnik GmbH & CO. KG in connection with the above-captioned matter, and I submit this declaration in support of WAGO'S Opposition To Plaintiffs' Motion To Strike Defendants' Supplemental Disclosure Of Cindy Hollenbeck And Preclude The Introduction Of Any Evidence Related Thereto. I am over the age of 18. I have personal knowledge of the matters set forth in this declaration. If called as a witness, I am competent to testify to those matters.

2. On or about August 3, 2012, I discovered information regarding SoftPLC's use of Java in its products at softplc.com.

3. After reviewing the documents that I had retrieved from Softplc.com, I learned that Cindy Hollenbeck was a co-founder of the SoftPLC Corporation. In addition, she was the author or editor of some of the documents I had retrieved.

4. On or about August 6, 2012, I contacted Ms. Hollenbeck by telephone at SoftPLC. After exchanging voice and email messages with her over the next two days, on or

about August 8, 2012, I communicated with Ms. Hollenbeck over the telephone and I explained to her that I was interested in learning about her company's technology. We spoke over the telephone for about 50–60 minutes.

5. Between August 8 and 10, we continued to communicate by email and telephone. Ms. Hollenbeck explained the SoftPLC technology to me.

6. On or about August 10, 2012, I served on counsel for Plaintiffs Defendants Second Supplemental Initial Disclosures disclosing Ms. Hollenbeck as an individual having knowledge regarding prior art and design and development of industrial controllers. I also enclosed a letter addressed to Mr. Tanck informing him that Ms. Hollenbeck would be generally available for a deposition. (Dkt. # 130-28; Dkt. # 124-1.)

7. On or about August 13, 2012, I received from Ms. Hollenbeck a box with documents relating to her company's technology. After reviewing the documents, we processed the documents and produced them to counsel for Plaintiffs.

8. On or about August 20, 2012, I received from Ms. Hollenbeck a box with additional documents relating to her company's technology. After reviewing the documents, we processed the documents and produced them to counsel for Plaintiffs.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 24th day of August 2012.

/s/ Gilberto E. Espinoza

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Certificate Of Service

I HEREBY CERTIFY that on this 24th day of August, 2012, a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system and was served on the following counsel as indicated below.

Scott S. Balber
Paul Tanck
Lisa Schapira
CHADBOURNE & PARKE LLP
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☒ Via CM/ECF Service
☐ Via First Class Mail
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/s/ Gilberto E. Espinoza

Gilberto E. Espinoza